

**SEEING THE REFUGEE:
A VANTAGE POINT FROM THE MIDDLE GROUND**

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Elizabeth Anne Russell

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Approved by:

Dr. Molly Cochran, Advisor
Sam Nunn School of International Affairs
Georgia Institute of Technology

Dr. Vicki Birchfield
Sam Nunn School of International Affairs
Georgia Institute of Technology

Dr. Mikulas Fabry
Sam Nunn School of International Affairs
Georgia Institute of Technology

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LIST OF ABBREVIATIONS

CIS	Commonwealth of Independent States
EU	European Union
G-8	Group of Eight
HRW	Human Rights Watch
ICRC	International Committee of the Red Cross
IDPs	Internally Displaced Persons
IMF	International Monetary Fund
IOs	International Organizations
IR	International Relations
IS	International Society
NGOs	Nongovernmental Organizations
OAU	Organization of African Unity
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
UK	United Kingdom
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency
US	United States
USCRI	United States Committee for Refugees and Immigrants
WTO	World Trade Organization

SUMMARY

The vast number of refugees in the world represents a very real, quantifiable, and troublesome “problem” for mainstream scholars of International Relations (IR).

Mainstream IR is not able to address the problem of the refugee because of its emphasis on the state as a central actor and its inattention to justice in an international system.

This thesis argues that the approaches of the English School and normative theory might come together to create a “via media” or middle ground which better addresses the problem of the refugee in international relations than mainstream IR has to date. While both approaches have limitations, the concept of international society and order versus justice debate of the English School compliments the attention given by normative theory to state responsibility and justice concerns of normative theory. The English School and normative theory can work in tandem to provide a middle ground which can directly address the problem of the refugee. The two approaches together provide a better way to start the conversation concerning the refugee.

Chapter 1 is an introduction which frames the question of this thesis and discusses overarching concepts which compose the via media between the English School and normative theory. Chapter 2 defines English School scholarship within the discipline of International Relations and considers how the English School assists in locating refugees within an international society as opposed to an international system of states. Chapter 2 also considers the “order versus justice” debate of the English School and humanitarian intervention as discussed by Nicholas Wheeler. Chapter 3 considers the contributions of normative theory in International Relations and suggests that the moral compass it

provides is vital in addressing refugees in an international context. Chapter 4 explores a middle ground between the English School and normative theory. Chapter 5 applies this middle ground to the case of Abkhazian and South Ossetian refugees (or internally displaced persons) in Georgia. This thesis concludes with recommendations and implications for treatment of refugees and the discipline of International Relations concerning a middle ground between the English School and normative theory.

CHAPTER 1

INTRODUCTION

In 2009 more than 13,599,900 people were categorized as refugees or asylum seekers.¹ Approximately 9,035,900 refugees are displaced in the Middle East and Africa, and East Asia and the Pacific provide a close second with the displacement of 2,512,400 persons.² Forced migration is a term with a wide-ranging definition. Types of forced migration include conflict-induced displacements, development-induced displacements, and disaster-induced displacements. Migrants are those adversely affected by forced migration and they are categorized the terms “refugee,” “asylum seekers,” “internally displaced persons (IDPs),” “development displacees,” “environmental and disaster displacees,” “smuggled people,” and/or “trafficked people.”³ The discipline of International Relations provides categories and labels for refugees, but it does not *see* the refugee; the discipline of International Relations, in its current capacity, does not consider the refugee beyond the categories which it assigns. The refugee is a “result” or “consequence” of conflict, disaster, development, etc.

The problem of the refugee in general is defined by the sheer number of people experiencing in this kind of way. The problem of the refugee in IR is a need to see beyond a categorization. IR should address the problem of the refugee directly as a

¹ U.S. Committee for Refugees and Immigrants. “World Refugee Survey 2009.” U.S. Committee for Refugees and Immigrants Online. n.d., <<http://www.refugees.org/article.aspx?id=2324&subm=179&area>About%20Refugees&>> (09 March 2010).

² Ibid.

³ Refugees Study Centre. “What is Forced Migration?” Forced Migration Online. n.d., <<http://www.forcedmigration.org/whatisfm.htm>>. (09 March 2010).

quantifiable, real, and morally undesirable situation in the world that requires problem solving. However, posing the problem of the refugee in this way presents challenges to mainstream IR. If states are sovereign entities and have the right to control their territory/borders, then what obligations do they have to refugees? Where should the concept of justice enter an order-driven IR and how is the problem of the refugee to tip the order scale? How is the refugee to be an issue heavy enough to warrant discussion in IR?

The problem of the refugee is an old problem that has unfortunately not garnered much interest from mainstream International Relations theory. However, the approaches of the English School and normative theory are better equipped to engage the problem of the refugee as the two approaches consider questions of both order and justice (as opposed to only considering order as is the case with mainstream IR). The English School provides the concept of an International Society defined by common rules, laws, institutions, and norms. The English School is beneficial to conversations of the refugee because it allows us to see the refugee in international society and it, like normative theory, allows us to discuss the norms surrounding forced migration. Normative theory has the ability to illuminate the justice question that should be extended to the refugee.

The English School and normative theory share the concept of International Society and the idea that common culture, rules, and institutions blur understandings of international social responsibilities. This thesis builds upon the middle ground between the English School and normative theory and provides a framework to address the problem of the refugee utilizing this via media. The “problem of the refugee” is simply one example of the benefits of the via media. The purpose of this thesis is two-fold.

First, this thesis is driven by the argument that IR is benefitted by the middle ground between the English School and normative theory. Second, this thesis is driven by the assumption that there is a substantial need for post-positive theorizing and this assumption is evidenced by the fact that mainstream IR does not have the capacity to address the “problem of the refugee.”

Below I argue that though the English School and normative theory each provide insight into the problem of the refugee, a middle ground between the two is necessary. The “middle ground” is necessary because the English School allows us to *see* the refugee while normative theory *illuminates* the refugee. The English School allows us to see refugees as it frames questions of International Relations in the context of an “order versus justice” debate. Normative theory illuminates the problem of the refugee as it considers questions of justice and asks about the responsibilities of states or what is owed to the refugee. Though it is advantageous to consider the English School debate on where justice manifests within an order of states in international society, normative conversations about the extension of state responsibility beyond territorial borders is essential in the discussion of the problem of the refugee. The middle ground between the English School and normative theory lies in the expansion of the order versus justice debate to the concept of state responsibility and the extension of justice to the refugee. The problem of the refugee highlights the middle ground between the English School and normative theory by illustrating what the two theories can do better in tandem. Like mainstream IR, the problem of the refugee is a problem for the English School and normative theory respectively as individual theories. The two approaches together however, provide a better way to start the conversation.

CHAPTER 2

THE ENGLISH SCHOOL, INTERNATIONAL SOCIETY, AND THE REFUGEE

The English School within the discipline of international relations provides a beneficial framework for discussion of refugees because of its ability to *see* or *locate* refugees within international society. This chapter addresses the central concepts of the English School as well as the roles norms and international society play in highlighting the difficulties and importance of humanitarian intervention on behalf of refugees internationally. This chapter evaluates not only the advantages of English School scholarship in both concept and approach to the problem of the refugee, but shortcomings too. The concepts of international society and world society are explored below and the debate within the English School between pluralists and solidarists is also addressed. Ultimately it is the solidarist approach that will better serve the concerns of this thesis. The writings of the international society theorist Nicholas Wheeler on humanitarian intervention are discussed. Upon consideration of the solidarist concepts of state responsibility and humanitarian intervention, and the English School's understanding of "order and justice within international society," it is concluded that the English School has much to offer scholarship concerning refugees. It is because of the English School's understanding of the behavior and development of international norms and its concept of international society that it has much to offer. Indeed, the concept of international society the most valuable contribution of the English School to the "middle ground" discussed in Chapter 4.

The International Society of the English School: A Concept and Method

Jason Ralph describes the English School as a “useful interpretive guide to global politics today... rich in normative theorizing that sensitizes us to the dilemmas that confront the advocates of progressive change.”⁴ The English School seeks to uncover and examine the rules of global politics and the behavior of states, non-state groups, and individuals.⁵ Associated with rationalism, the English School challenges mainstream IR by examining underlying norms and rules that link states, industries, groups, and individuals through inter-societal relations. This central component of an “international society” is a valuable contribution of the English School concept within IR.

What is International Society?

Across world history, the English School identifies and describes three forms of international interaction: an international system of states, an international society, and a world society.⁶ The ideas of an international society and world society are concepts that are in contrast to an international system of states. The method of international systems theorists concentrates on the “precise identification of concepts, actors and variables.”⁷ Upon identification of variables, approaches adhering to the study of an international system, compose hypotheses about relationships between variables and seek objective

⁴ Ralph, Jason. Defending the Society of States: Why America Opposes the International Criminal Court and its Vision of World Society (Oxford: Oxford University Press, 2007), 3.

⁵ Ibid.

⁶ Keene, Edward. International Political Thought: A Historical Introduction (Cambridge: Polity Press, 2005), 195.

⁷ Ibid.

assessment utilizing qualitative or quantitative data.⁸ The concept ‘international system’ is associated with the works of Morton Kaplan and Kenneth Waltz and it assumes that states and actors derive their behavior and power from the system.⁹ The point of international systems study is to explain regularities within the system for predictive purposes.¹⁰

International society is a “group of states” which is “conscious of certain common interests and common values” that “conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions.”¹¹ Like the international system, the international society entails both a concept and a method of International Relations scholarship. The concept and approach of international society are discussed in the respective sections that follow.

The Concept of International Society

Bull writes of the international society as a form of international interaction that evolves beyond the international system. Bull explains that states in a system must claim sovereignty over a group of people, have a defined territory, and have a government.¹² Bull further explains that states form a *system* at a certain degree of interaction in which they may impact other states’ decisions. In an international system, states behave in a

⁸ Ibid.

⁹ Waltz, Kenneth. Theory of International Politics (Boston: McGraw-Hill, 1979), 88.

¹⁰ Kaplan, Morton. System and Process in International Politics (United Kingdom: ECPR Press, 1957), 19.

¹¹ Bull, Hedley. The Anarchical Society: A Study of Order in World Politics (New York: Colombia University Press, 1977), 13.

¹² Ibid.

“system of action,” or as parts of a whole.¹³ A system of states however, cannot exist without also being part of what Bull terms, “a society of states.”¹⁴ The international society is an evolutionary step beyond the international system because it not only assumes mechanisms of balance of power, international rules and laws, institutions as does systems theory, but it argues that these mechanisms arise as a result of a concept of order in social life.¹⁵ Ultimately, international society sees sovereign states in intercourse with one another. Sovereign states, according to international society unite together in common purposes and modify their behavior in relation to one another.¹⁶

It is helpful to consider international society against other forms of international interaction, specifically the international system and world society. The international system, as discussed above is mechanical. The parts, or states, of an international system function together in reaction to one another as a result of the way they are related to one another. World society is a concept that considers the world to be a “community of humanity.” Members of world society include states and individuals, and order seems to be interlinked with justice as justice is a cosmopolitan concern of individual rights. International society comes together under the concept of order; its members are states and order within the international society is built on a foundation of state sovereignty. Justice in the international society is a matter of states’ rights to political sovereignty, non-intervention, and territorial integrity.

¹³ Ibid., 12.

¹⁴ Ibid., 13.

¹⁵ Ibid., 65-74.

¹⁶ Ibid., 38.

The International Society Approach: “The English School”

Approaches considering international society are linked with traditional approaches based on the humanities (as opposed to utilizing the “scientific method”). Evaluative judgment is the purpose of studying the international society.¹⁷ The English School maintains that international relations is the study of international society. It is concerned with empirically locating the norms and key institutions which regularize the behaviors of members of international society. International society or the English School as an approach involves ideas of order and justice. Though the degree to which order and/or justice is manifest in international society is the center of debate between pluralists and solidarists, the inclusion of the two concepts in an international relations theory is an added value in framing the problem of the refugee.

Divisions within the English School: Pluralists versus Solidarists

The Variations of the English School

Jason Ralph claims that the “center of the English School’s research agenda... is how we can distinguish international society from world society.”¹⁸ Ralph explains that Bull helped to make the comparison by claiming that both international and world societies are based in common interests and common values. Bull further argues that both international society and world society share common rules and institutions.¹⁹ Bull writes:

¹⁷ Ibid., 13.

¹⁸ Ralph, Defending the Society, 17.

¹⁹ Ibid.

By a world society we understand not merely a degree of interaction linking all parts of the human community to one another, but a sense of common interest and common values, on the basis of which common rules and institutions may be built. The concept of a world society, in this sense, stands to the totality of global social interaction as our concept of international society stands to the concept of the international system.²⁰

Ralph explains that English School scholarship tends to equate the idea of world society with Wight and the revolutionary tradition. The revolutionary conception of world society uses Marxist descriptions by claiming that the state eventually “withers away.”²¹ The result of the state withering away would be to make human beings direct members of a global society. Ralph explains that according to the revolutionist interpretation, supranational institutions would form the structure that mediated relations.²²

Ralph describes a converse of revolutionist thought by depicting the ideas of scholars like John Vincent (author of *Human Rights and International Society*). Vincent views the state as an institution of world society. He explains that the common conception of world society is still humanity; though, the role of the state is an agent of humanity. Furthermore, “states are not only expected to be agents of humanity, they are also expected to give up their sovereignty to supranational or world institutions charged with the same function.”²³ Ralph refers to these concepts as a “revolutionary conception of world society” and a “Kantian conception of world society,” respectively.²⁴

²⁰ Bull, *Anarchical Society*, 269.

²¹ Ralph, *Defending the Society*, 18.

²² Ibid.

²³ Ibid.

²⁴ Ibid.

The pluralist/solidarist distinction is one in which solidarists are typically concerned with humanitarian intervention, and pluralists with order and states' rights.²⁵ Both pluralists and solidarists acknowledge the existence of international society and that international law concerns states; both agree that society exists in an “anarchical world structure of politics.”²⁶

However, at the core of the pluralist/solidarist debate is the *depth* at which society can run internationally, so as to overcome the anarchic structure of world politics. Bull is a pluralist and considers the effectiveness of international law while Nicholas Wheeler is a solidarist and describes a willingness of actors in international society to engage in humanitarian intervention. Pluralists essentially argue that the depth of society is represented by international society and solidarists see a depth approaching world society. As a result of these differences, the topic of humanitarian intervention is particularly divisive between pluralists and solidarists.

In addition to the depth of society, pluralists and solidarists differ on the relevant actors of international society and whether order or justice is of principle concern. Pluralists argue that international society is composed by states and that order prevails over justice. It is important to note that the pluralist conception of justice is the right of states to political sovereignty and “non-intervention”. This “non-intervention” creates the *order* of international society for pluralists, and its preservation, according to pluralists should be of principle concern.²⁷

²⁵ Ibid., 9.

²⁶ Bull, Anarchical Society, 44.

²⁷ Ibid., 38-39.

Solidarists within the English School entertain the idea that international society has the capacity to move toward “world society” because of the level of cultural cohesion that can be reached around the thought that individuals too should be membership holders in international society. Solidarists include individuals and non-state groups with states in composing international society. World society is the idea that order and justice are interlinked; it is the idea that certain values and justice extend beyond the international society and are common to all members, states and non-states alike. As mentioned above, the depth at which society can infiltrate the anarchical structure of the world is at the heart of the pluralist/solidarist debate. “World society” is a term utilized by solidarists to describe norms that are not just practical, order-based norms, but ideas of the good that are at the base of a new form of inter-societal interaction beyond international society.

Pluralists

Pluralist thought argues for the greatest independence for states; allowing for sovereign determinations by the state. Andrew Linklater explains that “a pluralist international society embodies movement beyond egocentric social systems which deny the rights of outsiders.”²⁸ The denial of rights to outsiders is a result of providing a limited extension of rights to states and states alone. The most central element to pluralist English School scholarship is the non-intervention of states rights.²⁹ The idea of non-

²⁸ Linklater, Andrew. The Transformation of Political Community (South Carolina: University of South Carolina Press, 1998), 168.

²⁹ Ralph, Defending the Society, 9.

intervention is an essential corollary from the norm of states rights that pluralists see in the international society.

Solidarists

At the heart of the solidarist argument is the idea that states should do more toward human rights (as opposed to the promotion of states). Nicholas Wheeler, discussed below, is a scholar who makes solidarist arguments in relation to humanitarian intervention. Concerning the emergence of solidarist thought within the English School, Andrew Linklater writes that “pockets of solidarism” have developed *within* “a pluralist international society, and still more intricate forms of close political cooperation have evolved within the solidarist zone of peace.”³⁰ The solidarist concept includes individuals, minority nations, indigenous peoples as subjects of international law and participants within the international society.³¹ Solidarists maintain a sense of “obligation to human kind” which transcends the society of states and considers humanitarian intervention as a natural element of international law.³²

In the section below, this thesis addresses the treatment of refugees by pluralists and solidarists respectively. Ultimately, the solidarist viewpoint from the English School is utilized in composing a middle ground with normative theory in Chapter 4. However, the pluralist side of the English School allows for a central and vital discussion of the

³⁰ Linklater, The Transformation, 207.

³¹ Ibid., 168.

³² Ralph, Defending the Society, 9.

importance of norms within international society and in a definition of the actors of international society. Both pluralists and solidarists of the English School have the ability to see or spot individuals in international society; they differ however, on the nature or levels of state responsibility that follow. This difference is the subject of the next section.

Refugees, Migration, and the “International Society”

Refugees in the “International Society”

Emma Haddad, author of *The Refugee in International Society: Between Sovereigns*, bases her study of humanitarian intervention between the English School and Constructivism. She explains that within the English School understanding of international society, “actors have ideas of right and wrong.”³³ Haddad explains that the English School does not deny the role that national interests and power politics play in the international society. Haddad vividly depicts the problem of the refugee in the international society; the morality of states means a prioritized responsibility for the national interest, the international interest, the humanitarian interest, and the global interest. Haddad explains that when states try “to combine these concerns [then] moral dilemmas or ‘situational ethics’ occur, and hard choices have to be made – [and this is] exactly the context in which refugee movements occur.”³⁴

³³ Haddad, Emma. *The Refugee in International Society: Between Sovereigns*. (New York: Cambridge University Press: 2008), 12.

³⁴ Ibid., 12.

The international system is composed of dichotomies and gray areas between the “internal” and “external,” and the problem of the refugee brings them to light.³⁵ The English School allows IR scholars to see the refugee as a direct result of the debate between pluralists and solidarists. The problem of the refugee is a problem between the sovereign rights of states and human rights.³⁶ In addition to the pluralist/solidarist debate, the English School helps to identify refugees as *part* of international society. Haddad writes:

Refugees are not the consequence of a breakdown in the system of separate states, rather they are an inevitable if unanticipated part of international society. As long as there are political borders constructing separate states and creating clear definitions of insiders and outsiders, there will be refugees. Such individuals do not fit into the state-citizen-territory hierarchy, but are forced, instead, into the gaps *between* states.³⁷

Below, the following sections depict the explanations of refugees by pluralists and solidarists respectfully.

Pluralists on Refugees

As described above, pluralists see international society within the English School as a “granter and guarantor of positive rights associated with the institution of [national or state] citizenship.”³⁸ Solidarists, however, “underscore the natural rights of

³⁵ Ibid., 3.

³⁶ Ibid.

³⁷ Ibid., 7.

³⁸ Ibid., 77.

individuals.”³⁹ Emma Haddad writes of the treatment of refugees by the pluralists and solidarists within the English School. She explains:

Pluralists are inclined to focus on the good things that the Westphalian principles of state sovereignty, non-intervention, formal equality and diplomacy and the system of international law have done for international society and humanity. Solidarists focus on how international order could be improved, with respect to the protection of the individual and human security, the common enforcement of international law and platforms of global governance such as UN international peacekeeping.⁴⁰

Ultimately, pluralism is at odds with the problem of refugees in the international society.

Pluralism places the rights of the state over the rights of the individual. State responsibility, therefore does not extend to the individual at a length which is capable of reaching the refugee. Pluralists are reluctant on the issue of individual rights because the placement of individual rights over states’ rights jeopardizes order and state sovereignty/territorial boundaries. Pluralists advocate for the rights of individuals - they also recognize and promote international law toward the protection of the individual, though it is precisely the fact that pluralists cannot reach the individual that causes the scholarship to fall short on the issue of the refugee.

Solidarists on Refugees

The solidarist idea of international society is, as its name suggests, dependent upon the idea that there exists solidarity among states concerning the enforcement of law. The continuation and strengthening of these international laws and principles is,

³⁹ Ibid.

⁴⁰ Ibid.

according to Haddad, common responsibility and obligation. Furthermore, the international community is obligated to offer support to those states whose rights have been challenged or violated. As mentioned above, the international society of the solidarist understanding is not confined to states as agents. Individuals and non-state groups have rights and obligations under international law. This obligation is the defense of “the interests of all humanity.” Solidarists support humanitarian intervention because of the belief that it may be used for toward the common good.⁴¹ Solidarists see “the protection of refugees” as a reflection of principle and as a practice that serves toward the collective defense of international peace and security.⁴²

Ralph writes of the “responsibility of states” stemming from solidarist thought within the English School. To reiterate and to follow from Ralph’s argument, solidarists differ from pluralists in that they recognize the universality of certain humanitarian values. Furthermore, solidarists argue that it is the responsibility of states (“as good international citizens”) is to intervene with another state when it is unwilling and/or unable to protect said values.⁴³ Therefore solidarist scholarship is better able to theorize the problem of refugees than pluralist scholarship.

Solidarists scholars are typically major proponents of humanitarian intervention, as humanitarian intervention is one method of extending justice to the individual. Nicholas Wheeler is perhaps one of the most notable writers on the subject of humanitarian intervention and the solidarist approach. In his book *Saving Strangers*:

⁴¹ Ibid., 77.

⁴² Ibid.

⁴³ Ralph, Defending the Society, 88.

Humanitarian Intervention in International Society, Wheeler examines the “legitimacy of intervention” in seven cold-war and post-cold-war cases. In each case, the “target state” either excessively abuses human rights or experiences civil strife and lawlessness.

Wheeler essentially “investigates *how far* states have recognized humanitarian intervention as a legitimate exception to the rules of sovereignty, non-intervention, and non-use of force.”⁴⁴ Wheeler explores the constraining power of norms and investigates “how changing domestic and international norms enable state actions that were previously unthinkable.” He is careful to note that the reader should not understand this to mean that norms guarantee changes in action; new/changed norms do enable “new or different” behaviors. Unfortunately, these norms do not ensure such behaviors.⁴⁵

One of Wheeler’s most keen insights is that “humanitarian intervention exposes the conflict between order and justice at its starkest.” Wheeler claims that scholarship from the English School on the legitimacy of humanitarian intervention is fragmented. He explains that authors Adam Roberts, Robert Jackson, and James Mayall have made significant contributions in thinking of humanitarian intervention, though a systematic attempt to develop a “theory” of humanitarian intervention has not been addressed.⁴⁶ Wheeler claims a lack of scholarship on the part of pluralists and solidarists alike. He explains that even R.J. Vincent’s writings in the mid-1980s did not develop a “theory of humanitarian intervention” nor did his writings challenge the criticisms of pluralists.⁴⁷

⁴⁴ Wheeler, Nicholas. *Saving Strangers: Humanitarian Intervention in International Society*. (Oxford: Oxford University Press, 2000), 2.

⁴⁵ *Ibid.*, 9-10.

⁴⁶ *Ibid.*, 11-13.

⁴⁷ *Ibid.*

Wheeler ultimately claims that humanitarian intervention should challenge pluralist claims by presenting a solidarist idea: “states that massively violate human rights should forfeit their right to be treated as legitimate sovereigns, thereby morally entitling other states to use force to stop the oppression.”⁴⁸

Figure 2.1 below reviews the positions of pluralists and solidarists on refugees in the international society. Though there are significant differences in the positions, pluralists and solidarists share some characteristics which are beneficial to this thesis and discussed in Chapter 4. First, pluralists and solidarists both assert the existence of international society. Second, international society scholars are opposed to *realpolitik*, or the idea that the world is in a state of nature without obligation.

⁴⁸ Ibid.

	Pluralists	Solidarists
Members of International Society	States	States, non-state groups (indigenous peoples, minor nations, etc.)
Responsibility Owed to Members of International Society	Order before justice; respect states' rights	Justice and order interlinked; extend rights to individuals as well as states
Focus of Study within the English School	State sovereignty; non-intervention in states' rights	States rights; human rights; and the movement toward "World Society"
Treatment of Refugees in Scholarship	Principles of justice are pluralistic and state sovereignty prevails	State sovereignty is contingent on state delivering human rights
Membership of Refugees in the International Society	Not a part of international society; states have legitimized rights to control membership, thus refugees at risk	Are members as individuals and are owed responsibility/recognition by other actors, states included despite sovereign power to control borders

Figure 2.1: English School-International Society Pluralist/Solidarist Divide

Conclusions

This chapter has outlined the development of the English School, key components of English School scholarship, and debates within the English School. Neither the pluralist nor the solidarist approaches have the complete answer to humanitarian intervention, or more specifically the problem of the refugee. Pluralism is dismissed above as a result of its inability to extend state responsibility to the individual. However, pluralist scholarship provides the ability to focus on norms of the international society. Solidarists consider refugees a part of international society and challenge the status quo by making recommendations concerning state responsibility directly. While this might be a step in the right direction in addressing refugees as an international problem, there is

still the question of *enforcing* state responsibility. Wheeler alludes to unanswered questions on the “how” of dealing with humanitarian violations. The lack of a clear definition on responsibilities owed to refugees and how they are to be actualized is problematic.

As is discussed in the fourth chapter, the concept of “international society” provided by the English School and its normative approach is beneficial and central in considering refugees in the study of international relations. Ultimately the English School provides international relations with the ability to locate the refugee. The concept of international society defines the place where the refugee exists, and the discussion of state responsibility provides an outlet for challenging the state as the only recipient of justice in the international arena. However, how are International Relations scholars to *define* the responsibilities owed to refugees? Normative theory addresses responsibilities owed to refugees and this is the subject of the following Chapter 3.

CHAPTER 3

NORMATIVE THEORY, JUSTICE, AND THE REFUGEE

Dirk Haubrich declares that there is not now, nor has there ever been agreement on the nature of justice within the discipline of International Relations. He explains that citizens, policy makers, and political philosophers have many and varying disagreements concerning what constitutes justice, what institutions are required for justice, and to what degree (if any) social institutions should strive toward the virtue of justice. Simply put, “there are also many established theoretical traditions on the topic of justice.”⁴⁹

Chris Brown writes that “orthodox international relations theory is at best indifferent, at worst actively hostile to the idea of international justice as a focus of intellectual effort.”⁵⁰ Though there is no consensus among scholars of International Relations on the virtue of justice, this lack of consensus does not imply that IR theories lack moral standards.⁵¹ In the previous chapter, the international society was discussed from the point of view of the English School. International society, from an English School understanding, is an empirical question; it is concerned with how much international society exists in the world and how it is structured. The pluralist/solidarist debate is an important debate because it engages the question of individual rights by framing them in terms of international order and international justice.

⁴⁹ Haubrich, Dirk. “Normative Concepts of Global Distributive Justice and the State of International Relations Theory.” In Cambridge Review of International Affairs 15, no. 2 (2002): 183-201. 186.

⁵⁰ Brown, Chris. “Review Article: Theories of International Justice.” In British Journal of Political Science, 27 no. 2, (1997): 273-297. 274.

⁵¹ Haubrich, “Normative Concepts,” 200.

Normative theory within international relations, like the English School is concerned with the empirical question of how much international society exists. Normative theory however, places value on ideas of the good and “right versus wrong.” Normative theory is a vital component to this thesis as it directly engages the responsibilities of states and what is owed to the refugee. It considers the moral implications of international society as it exists today. Solidarists of the English School assert and advocate for the extension of state responsibility to the refugee; normative theory, however extends further. Normative theory is useful because it explains *why* states owe an answer to the problem of the refugee.

Normative theory, like the English School, struggles with internal disagreement and debate. Typically differentiated between “communitarians” and “cosmopolitans,” the former is mostly concerned with the argument that individual rights cannot exist without the existence of state sovereignty, and the latter presents the argument that moral status is conferred upon states.

The benefit of the communitarian/cosmopolitan debate and the contributions normative theory can bring to the problem of the refugee is the subject of this chapter. Below, this chapter seeks to identify and define normative international relations theory, and illuminate the communitarian/cosmopolitan debate. This chapter also provides a comparison between International Society and normative theory, and it addresses how communitarians and cosmopolitans engage and affect the problem of international refugees.

Normative Theory in International Relations

What is Normative Theory?

Normative theory of international relations gained attention in the 1980s, though it had been important throughout the development of the discipline. J. Ann Tickner explains that normative theory was submerged under realism and its portrayal of “amoral states” as well as positivism’s “quest for the separation of facts and values.”⁵² Normative theory evaluates the moralities of world politics and the responsibilities that blur actors together in IR. As a result of a need to address the morality of war and the international relations agenda in the 1970s, issues like economic development, distributive justice, and inequality became hot topics. Like the English School, normative theory was influenced by forces outside of the discipline of international relations. International law and traditions of political philosophy played a large role in the development of normative theory.⁵³ Andrew Linklater explains normative theory by the agreements between communitarians and cosmopolitans:

[Both communitarian and cosmopolitan approaches] broadly agree that questions about the relationship between obligations to the state and to the rest of humanity will arise as long as human beings believe that national boundaries are neither morally decisive nor morally insignificant. No lasting solution to this, the deepest moral question in international relations, is likely to emerge in theory or practice... because moral tensions inevitably attend the existence of multiple loyalties and identities.⁵⁴

⁵² Tickner, J. Ann. Gendering World Politics: Issues and Approaches in the Post-Cold War Era. (New York: Columbia University Press, 2001), 29.

⁵³ Ibid.

⁵⁴ Linklater, The Transformation, 60-61.

Though the central concern is of the relationship of obligation between individuals and the state, normative theory is divided on the issue. Tickner explains that a major question in international relations is whether it can speak of justice in a universal sense while simultaneously postulating the existence of a world society. The converse of this argument, she explains is the idea that society might be contained within states that “form boundaries of moral obligation.”⁵⁵ The question of whether state boundaries limit the reach of moral obligation in world politics is at the heart of the communitarian/cosmopolitan debate discussed below.

Divisions within Normative Theory: Communitarian versus Cosmopolitan

Within international relations theory today, the relationship between moral “universals” and cultural “differences” play an important role. The communitarian/cosmopolitan debate is essential to discussions within international relations on obligations to humanity. The crux of this debate is whether or not “shared nationality or common citizenship is a morally significant characteristic which justifies placing the interests of insiders before the interests of outsiders.”⁵⁶ To this question, various answers have been offered. Most notably, some have argued that common nationality is significant to the extent that states have a duty to privilege the interests of its nationals (communitarians), while others have argued that primary loyalties should be

⁵⁵ Tickner, *Gendering*, 29.

⁵⁶ Linklater, *The Transformation*, 56.

given to humanity as a whole and that differences between “insiders” and “outsiders” are morally irrelevant (cosmopolitans).⁵⁷

Specifically, communitarians argue that state boundaries define the political community within which discussions about obligation and justice have the ability to occur. Cosmopolitans, on the other hand, argue for a need to consider justice in *universal* terms.⁵⁸ Linklater highlights the divide between communitarians and cosmopolitans by explaining that they are at odds with one another because of their disagreement in whether political communities should give decision-making power to higher international bodies. However, the distance between communitarianism and cosmopolitanism is less if cosmopolitans simply argue that political communities ought to increase the importance of humanitarian interests (in general) within their respective decision-making processes.⁵⁹ This idea reflects the inherent *range* of cosmopolitan thought; cosmopolitan thought ranges from increased humanitarian interests within existing decision making processes to universal governance promoting the good of humanity.

Cosmopolitanism has proven beneficial in addressing communities “closed in on themselves,” while communitarianism has been able to stress the importance of wider international moral obligation.⁶⁰ Each approach has a valid and important offer to international relations theory and specifically to the problem of refugees. However, the

⁵⁷ Ibid.

⁵⁸ Tickner, *Gendering*, 29.

⁵⁹ Linklater, *The Transformation*, 54-55.

⁶⁰ Ibid.

question that remains is how politically bounded communities should achieve a balance between moral obligations to humanity and obligations to common citizenship.⁶¹

Communitarian Normative Theory

Communitarian normative theory draws from three principles outlined by G.W.F. Hegel. First, Hegel argues that political communities have the right to exist and preserve their “separateness.”⁶² Communitarianism recognizes and legitimizes the existence of various communities, and respects the sovereignty of states. Second, Hegel argues that states are to be primarily concerned with the welfare of its citizens, but that states are not to promote interests that could cause adverse effects on outsiders.⁶³ Communitarians utilize the terms “insiders” and “outsiders.” Cosmopolitans, as is discussed below, take issue with these terms. Third, Hegel argues that while states ought to respect the humans have basic moral rights; states are not answerable for their actions to humanity, religious institutions, broader political institutions or any other institution claiming to represent the rights of humanity.⁶⁴ Most communitarians argue that political community is defined by state boundaries, and that justice occurs within these boundaries.

Communitarian normative theory holds that individuals are given their moral criteria from the societies to which they belong.⁶⁵ The communitarian approach also

⁶¹ Ibid.

⁶² Ibid., 58-59.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid., 65.

assumes that the individual is able to appeal “to some form of cosmopolitan moral reason that exists outside history and tradition in order to criticize social practices.”⁶⁶

The postmodernist objection to communitarianism should be noted.

Postmodernists of international relations are suspicious of claims about the nature of community and “authoritative norms which underpin the critique of the unencumbered self.” Postmodernists ask a crucial question of communitarians: who or what represents the community as a whole?⁶⁷

Cosmopolitan Normative Theory

European thought has employed cosmopolitan normative theory as a central strand over the last few centuries.⁶⁸ Charles Beitz explains that the essence of cosmopolitanism is “captured by the belief that all human beings possess equal moral standing rather than by a particular preference for a specific form of universal political organization (such as world government).”⁶⁹ Cosmopolitans believe in the moral equality of all persons, and that political communities must widen their ethical horizons until no individual or group is systemically excluded from moral thought.⁷⁰ Andrew Linklater writes that the purpose of “cosmopolitanism is to protect the alien from the tyranny of one of the fundamental modes of unjust exclusion.”⁷¹

⁶⁶ Ibid., 64.

⁶⁷ Ibid., 65.

⁶⁸ Ibid., 47.

⁶⁹ Ibid., 57.

⁷⁰ Ibid.

⁷¹ Ibid.

Various ranges of cosmopolitanism exist within the approach. Seyla Benhabib, for example, outlines the conditions under which immigration might be incorporated into the cosmopolitan theory of distributive justice. Benhabib argues that the idea of distributing justice should extend beyond the ideas proposed by Thomas Pogge and Charles Beitz. Pogge and Beitz are concerned with the socially just allocation of goods within a society. Benhabib explains that the concept of distributive justice should be extended to include decisions of membership.⁷²

Below the communitarian/cosmopolitan debate is depicted by the works of Michael Walzer and Joseph Carens respectively. The debate between Walzer and Carens directly addresses the question of justice in the international society.

The Central Debate of Justice: Walzer and Carens

In his book *Spheres of Justice*, Michael Walzer argues the concept of “complex equality.”⁷³ For Walzer, the right of a community to determine its own affairs is not fulfilled unless it can decide who may enter its borders.⁷⁴ It is important to note that Walzer does not claim that this right does not create issue within the international society, or that “distribution of membership is automatically beyond reproach.”⁷⁵

⁷² Lindahl, Hans. “In Between: Immigration, Distributive Justice, and Political Dialogue.” In *Contemporary Political Theory* 8, no. 4 (2009): 415-434), 417.

⁷³ Walzer, Michael. *Spheres of Justice: A Defense of Pluralism and Equality*. (Tennessee: Basic Books, 1983), 17; 19; 28.

⁷⁴ Linklater, *The Transformation*, 49.

⁷⁵ *Ibid.*, 79.

“Justice versus order” is a theme which presents itself throughout both English School and normative theory literatures. According to Walzer, “Justice is a human construction, and it is doubtful that it can be made in only one way.” Furthermore,

The principles of justice are themselves pluralistic in form; that different social goods ought to be distributed for different reasons, in accordance with different procedures, by different agents, and that all these differences derive from different understandings of the social goods themselves – the inevitable product of historical and cultural particularism.⁷⁶

Walzer’s placement of states’ rights above “pluralistic forms of justice” creates a central problem in addressing the situation of refugees. Walzer claims that “outsiders” declare an “unqualified right” to membership in a foreign community. Walzer is clear that though outsiders may contest reasons for refusing members, “ultimately, it is up to fellow citizens to decide the kind of community they want to be. Members are free to choose their future associates; their decisions are authoritative and final.”⁷⁷

Joseph Carens challenges Walzer’s conception of justice by explaining that “justice is a human construction.”⁷⁸ Carens explains that Walzer’s picture of the moral autonomy of political communities that he presents in *Spheres of Justice* is not representative of the true shared understanding of justice. Carens makes this claim on two fronts: first, he argues a true understanding of justice requires some criticism of the institutions and policies of some political communities to which we do not belong, and

⁷⁶ Walzer, *Spheres of Justice*, 5-6.

⁷⁷ Linklater, *The Transformation*, 80.

⁷⁸ Carens, Joseph. “Complex Justice, Cultural Difference, and Political Community.” In *Pluralism Justice, and Equality*, edited by David Miller and Michael Walzer, 45-66. (New York: Oxford University Press, 1995), 45.

second, he argues that the ‘we’ making judgments and criticisms sometimes belong to a wider or narrower political community than the communities which we are judging.⁷⁹

Carens explains that we inhabit a world with rich and complex morals; that we inhabit a world with complex history, cultural and community and one in which these factors matter. Theory, he explains, has the ability to clarify and criticize some aspects of the world, but it cannot replace the morality of the world or reconstruct it. Carens explains that to this end, critical reflection should lead theorists to appreciate the “morally problematic character” of practice and the limitations of general principles.⁸⁰

Walzer’s conception of justice is that it “*is what the people in a particular community think it is.*”⁸¹ Walzer also argues that when goods are distributed in accordance with the intent that people of a particular community attach to those goods, then the goods are justly distributed.⁸² Carens presents a more cosmopolitan conception of justice by claiming that it is a mistake to equate the moral community with the political community. Carens explains that “the ‘we’ who share a set of moral understandings should not be identified exclusively with the ‘we’ who share a political community.”⁸³ To Carens, there is not a *minimal moralist* shared by contemporary societies, as Walzer might suggest. Carens argues that rather, “there is a thick, highly developed richly textured morality shared by many people who do not live in the same political

⁷⁹ Ibid.

⁸⁰ Ibid., 48.

⁸¹ Ibid., 49.

⁸² Ibid., 49.

⁸³ Ibid., 52.

community.”⁸⁴ It is important to note that for cosmopolitans, the conundrums for the world as a result of the interlinking of justice, culture, and political community are not resolved by the wider moral community. Instead, the wider moral community causes more complexity.⁸⁵

Normative Theory and the English School: An Extension

These concepts of justice, the communitarian justice described by Walzer and the cosmopolitan justice described by Carens comprise the center of the debate within normative theory. Normative theory allows us to think through the responsibility states owe to refugees. This is an added value from the vantage point of the English School alone as normative theory questions the purpose of a state if the existence of territorial borders creates such an “insider versus the outsider” problem.

Mervyn Frost writes that all problems of international relations are normative and that they require us to make “judgments about what *ought* to be done.”⁸⁶ Frost explains that normative questions can neither be answered by pointing to the way the world *is*, nor can they be answered by suggesting that the actors involved always “act” according to self-interest. Even self-interest, Frost argues, is determined by normative consideration and “the nub of the matter is that any concept we may have of our own self-interest is partially determined by normative ideas about what we are entitled to.”⁸⁷

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Frost, Mervyn. Ethics in International Relations: A Constitutive Theory. (United Kingdom: University of Cambridge Press, 1996), 2.

⁸⁷ Ibid.

Normative theory extends the theory of the English School in three ways. First, Frost does not challenge the idea of International Society; he simply challenges Bull to provide moral reasons for explaining that order comes before justice in the international society. Therefore, normative theory complements the English School as it does not challenge the notion of International Society; it simply calls for its extension. Second, the pluralist/solidarist debate of International Society requires us to consider *how* state responsibility and the existence of territorial borders affect the refugee; the communitarian and cosmopolitan debate of normative theory requires us to consider *why*. Third, the moral/justice question of normative theory requires us to ponder how the world should or “*ought*” to be. These benefits or extensions normative theory provides to International Society leads to the conclusion that the problem of the refugee is just that, a problem. The problem is that justice does not extend to a certain group of people. The problem is that this group of people cannot receive what we perceive they are entitled to. The problem is that the refugee violates the norm of belonging and that there is instead a problem of statelessness.

Refugees, Migration, and Normative Theory

Communitarians on Refugees

Communitarians hold that individuals derive their moral criteria from the particular society in which they belong.⁸⁸ Communitarian treatment of refugees stems from their rejection of the Kantian project that suggests a promotion of an international

⁸⁸ Ibid., 64.

society of states with cosmopolitan aspiration. In direct relation to the treatment of refugees, one communitarian argument fights the international society by suggesting that an international society would not be as equipped to handle the representation of minority groups already existing in sovereign states; that the state alone provides this representation.⁸⁹

Ultimately, rights extended to refugees from the communitarian standpoint are influenced by the communitarian position that states may differentiate between “insiders” and “outsiders.” According to communitarians, states have the right to separate themselves, though the assumption is that people are protected from this right as states do not have the right to cause adverse effects on humanity.

The problem of the refugee is problematic for communitarians as they argue that states protect individuals and are deserving of moral value. The refugee and immigration in general, dilutes the integrity of the community and presents economic and security pressures to the state in protecting the community.

Cosmopolitans on Refugees

The cosmopolitan citizenship seems to directly address the problem of the refugee. Cosmopolitan citizenship advocates for “global arrangements” in which peoples are governed by dialogue as opposed to force. Linklater highlights three perspectives from which cosmopolitan citizenship is developed: first, the Kantian idea of equal membership in a “universal” kingdom; second, the Marxian project of deleting

⁸⁹ Ibid., 62.

frustrations of human autonomy by dismantling systems of exclusion; and, third, the rationalist perspective that multiple communities of discourse might promote new relations between the “universality” and “difference.”⁹⁰

Though variations of cosmopolitan thought exist, as far as refugees are concerned, cosmopolitanism attempts to defend their rights within a world of sovereign states and within a world where currently, no inherent rights are granted to the refugee.⁹¹

Figure 3.1 below reviews the positions of communitarians and cosmopolitans on refugees in the international society. The figure below illustrates the complicated problem of state sovereignty and territorial borders in relation to the refugee. For each concept listed below, communitarians argue that the individual is protected and a concept of justice is presented because of the existence of the state. Cosmopolitans argue that justice is a concept that extends beyond territorial borders and state sovereignty.

⁹⁰ Ibid., 211.

⁹¹ Linklater, The Transformation, 54.

	Communitarians	Cosmopolitans
Achieving Justice in International Society	State boundaries define political community; justice toward individuals can occur with boundaries in place	Justice toward individuals must be in <i>universal</i> terms
Responsibility and Obligation within International Society	Obligation to humanity imbedded within right to state sovereignty	Obligation to humanity before obligation to state sovereignty
Rights and Responsibilities of States	States have right and reason to separate from one another; people are protected because states are not allowed to cause harm on humanity	States cause harm to humanity by having the terms “insider” and “outsider”; people are not protected by states
From Where People Derive Morality	From the particular society to which they belong	From humanity; morality is common to all
Rights Allotted to Oppressed	Secession from a state as a group	Cosmopolitan citizenship and the promissory note; “refugee” should not exist

Figure 3.1: Normative Theory Communitarians/Cosmopolitans Divide

Conclusions

This chapter has outlined the key components of normative theory and it has illuminated the communitarian/cosmopolitan debate by engaging each side on the question of refugees in the international system. Normative theory considers the responsibilities and moralities of world politics that blur actors together in international relations. Normative theory is beneficial to this thesis because it addresses norms from an ethical standpoint and asks the “why” question, as opposed to treating norms as an empirical value, as does the English School.

The communitarians of normative theory are mostly concerned with the inability of individual rights to exist without the state, and the cosmopolitans are concerned with the argument that the existence of states interrupts the way of human rights.

There are problems for refugees from both the communitarian and cosmopolitan standpoints. As illustrated above, the communitarian concepts of “insiders” and “outsiders” does not allow much discussion on international refugees. The cosmopolitan agenda is wide ranging and not without significant disagreement. Is world society the answer? Benhabib argues that just distribution of membership is certainly problematic among states, yet the question of who is to decide just distribution is equally problematic. Despite the contributions of normative theory, problems of statelessness and associated state responsibility remain difficult. The contributions of the cosmopolitan/communitarian debate and the normative approach in general are utilized in the following chapter.

CHAPTER 4

THE MIDDLE GROUND BETWEEN THE EMPIRICAL AND PHILOSOPHICAL CONVERSATIONS ON REFUGEES

This thesis addresses two central questions. First, what does the English School give to the problem of refugees and how might one *see* refugees within international society? Second, how might one *illuminate* via normative theory the problem of refugees within international society or how should refugees be considered ethically? The aim of the thesis is to combine the two approaches of the English School and normative theory to highlight the predicament of refugees in IS and what responsibilities are owed to them by states.

Mainstream IR and state systems theory are met with many hard questions concerning the refugee. If states are sovereign and have a right to control territory and borders, then how is the problem of the refugee to be addressed? How is justice to extend to the individual in an international system? How can the refugee tip the “power scale” to warrant discussion of its situation in the discipline of International Relations? The answer to these questions lies in combining the methods and concepts of the English School and normative theory. The pieces adopted from each of the theories are depicted below in the following section.

The Middle Ground: An Outline

Solidarists of the English School are able to see refugees for three reasons: first, solidarists consider individuals as members of international society (as opposed to only

states comprising the society); second, solidarists value justice with order in international society and most importantly, they extend justice to include the individual; and third, solidarists are concerned with human rights as an extension of the understanding that justice and order are interlinked in society. Normative theory illuminates or highlights the problem of refugees in the international society. The illumination or attention called to the problem of refugees is best illustrated by the cosmopolitan idea of justice within normative theory.

For the purposes of best addressing the problem of the refugee, this thesis draws from the solidarist side of the debate in the English School and the cosmopolitan conception of justice from normative theory. As discussed in Chapter 2, solidarism better addresses the situation of the refugee as opposed to pluralism. There are four ways in which solidarism assists the middle ground: the first concerns membership in the international society; the second concerns the responsibility owed to individuals within the international society; the third concerns a focus of study within the discipline of IR; and the fourth concerns the treatment of refugees in scholarships.

The first way in which solidarism of the English School assists the middle ground involves membership of international society. Solidarism holds that states, non-state groups, indigenous peoples, minority nations, etc. are members of international society. As a result of this logic, the international society is extended to the refugee and therefore refugees are owed responsibility and recognition by other actors. States are still sovereign actors but their right to secure borders and pursue power is neither more pressing nor more important than the rights of refugees.

Solidarism also contributes to the middle ground in its conception that justice and order are interlinked in the international society. According to the solidarist viewpoint, not only should rights be extended to the individual, but there is a responsibility of the state to insure this extension of justice.

In addition to the solidarist conception of justice, the middle ground provided by this thesis is benefitted by the English School's focus of study within IR. For solidarists, the focus of study within the English School involves both states rights and human rights. As opposed to pluralism, which only focuses on states rights, solidarism allows us to consider the question of humanitarian intervention. This solidarist focus within the English School is beneficial to this thesis as states cannot be the sole recipient of justice concerning the problem of the refugee. The rights of individual (the rights of the refugee) and states' rights must be simultaneously addressed if a true answer to the refugee problem is to be reached.

Finally, solidarist are helpful toward this thesis of a via media as refugees are directly considered in its scholarship. State sovereignty is contingent on the state's ability to deliver human rights. Solidarism addresses the problem of the refugee in its literature; the problem of the refugee is a driving purpose and focus for the solidarist in the English School. There is a vital benefit in empirically locating the refugee in international society and in counting the refugee as a member.

Cosmopolitanism is the logical normative extension of solidarism. While solidarism is helpful to the middle ground empirically, cosmopolitanism adds a justice component of normative theory. Cosmopolitanism, as opposed to communitarianism, assists the middle ground between the English School and normative theory in three

ways. First, cosmopolitanism represents a better concept of justice for the refugee than does communitarianism. For the cosmopolitan, justice toward individuals must be granted in universal terms. Communitarians, in contrast, hold that state boundaries define political communities and within these political communities, or more importantly within territorial borders, justice toward the individual can occur. The problem of the refugee directly challenges the communitarian idea that justice is granted to the individual with boundaries in place as is it the boundary that causes the existence of the refugee.

The second contribution of cosmopolitanism to the *via media* of this thesis concerns obligation and responsibility within the international society. Cosmopolitan concepts are more beneficial to the middle ground assisting the refugee than communitarian concepts as cosmopolitans argue for an obligation to humanity over an obligation to state sovereignty. In considering the problem of the refugee, an obligation to humanity before an obligation to states rights addresses the situation more directly. The state, according to the cosmopolitan creates “insiders” and “outsiders” and humanity is not necessarily protected by the existence of states and boundaries.

In addition to cosmopolitan arguments of responsibility and obligation in the international society, a third component of cosmopolitan and the benefit normative theory to the *via media* involves the derivation of morality. Cosmopolitans hold that people derive their morality from humanity and they believe that morality is common to all. This concept is more helpful to the middle ground as opposed to the communitarian concept that morality is derived from a particular society to which one belongs. If the communitarian idea of the origins of morality is true, then from where do stateless

persons define their principles? What identification and common community are stateless persons to inhabit?

The Value Added from a Middle Ground

The *via media* shows that individuals matter and the refugee is representative of a theoretical gap. The English School cannot fully engage in a conversation of morality and justice owed to the refugee and normative theory is aided by solidarist conceptions of the interlinking between order and justice in the international society, the scholarship on humanitarian intervention, and the solidarist idea of equality between states rights and human rights. The *application* of this *via media* is the subject of the following Chapter 5.

CHAPTER 5

THE CASE OF THE REFUGEE: THE MIDDLE GROUND APPLIED

Refugee Creation over Conflict in South Ossetia: A Case Study

Introductory Background

On the night of 7 August 2008 and into the early morning of 8 August 2008, heavy fighting erupted in and near the town of Tskhinvali of South Ossetia. The conflict came to fruition after an extended period of tensions and incidents between Georgia and South Ossetia. The fighting soon extended into other parts of Georgia and the conflict and fighting continued for five days. Many places throughout Georgia experienced serious destruction with some parts “reaching levels of utter devastation in a number of towns and villages.” The loss of human life was substantial with Georgia claiming the deaths of 170 servicemen, 14 policemen and 228 civilians. Georgian persons wounded in the conflict totaled 1,747. Russia claimed losses of 67 servicemen and totaled wounded persons at 283. South Ossetia reported the loss of 365 persons. Over 100,000 civilians fled their homes during the conflict and as of September 2009, over 35,000 had still not been able to return. The outbreak of fighting did not result in the end of political conflict and tensions still remain.⁹²

⁹² “Independent International Fact-Finding Mission on the Conflict in Georgia”, In Official Journal of the European Union (September 2009).



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Figure 5.1: Map Representing the Disputed Territories of Abkhazia and South Ossetia in Georgia

Displaced Persons/Refugees Created by the Conflict

As illustrated in the map above, two particular instances of displaced persons occurred as a result of the conflicts in Georgia. Georgians fled from both South Ossetia and Abkhazia. The United Nations refugee agency UNHCR estimates that approximately 100,000 were displaced from South Ossetia during the conflict. Russia has reported 25,000 South Ossetians which have found refuge in the neighboring country.⁹⁴

Abkhazia is a disputed area of Georgia in which fighting was centralized during the 1992-1993 war between the Georgian government and Abkhaz separatists. During

⁹³ BBC News, "Human Cost of Georgian Conflict." BBC News Online: Europe. 13 August 2008. <<http://news.bbc.co.uk/2/hi/europe/7558000.stm>> (03 March 2010).

⁹⁴ Ibid.

this conflict more than 200,000 ethnic Georgians fled Abkhazia. More than 140,000 of the refugees have not returned to Abkhazia.⁹⁵

The common thread between the South Ossetian and Abkhaz situations is the inadequate long-term security in the respective regions. This insecurity is the reason the nearly 200,000 displaced persons from the regions are displaced. The peacekeeping forces in South Ossetia are composed of a battalion from each of Georgia, Russia, and South Ossetia. In Abkhaz, the peacekeeping mission is “a Russian-dominated Commonwealth of Independent States (CIS) force observed by the UN” which is not trusted by all sides. Neither of the peacekeeping efforts is able to deliver long-term security to either region, nor are the efforts effective in enticing the return of the displaced persons.⁹⁶

The Response of the International Community

The international community does not lack attention given to the displacement of Georgians in the South Ossetian and Abkhaz regions. Many of the suggestions and advancements made by the international community regarding the situation in Georgia are recounted below. Suggestions made toward the situation include the opinions of NGOs, International Relations scholars, policy makers, and various sovereign states.

Many NGOs have claimed that both Russia and Georgia committed human rights abuses during the South Ossetian conflict. The Human Rights Watch (HRW) specifically, alleges that Georgian military used “indiscriminate and disproportionate

⁹⁵ Ibid.

⁹⁶ Ibid.

force resulting in civilian deaths in South Ossetia.” The Human Rights Watch also claims that the Russian military utilized “indiscriminate force” in both South Ossetia and Gori (during the Abkhaz conflict).⁹⁷

Russia has encouraged hundreds of South Ossetians “to file cases with the European Court of Human Rights and the International Criminal Court alleging human rights abuses by Georgia during the conflict.”⁹⁸ Many Georgians have filed cases alleging Russian human rights abuses and violations.⁹⁹ Similarly, Russia and Georgia have promoted campaigns directed toward the international community in claiming that the other started the conflict. On 16 September 2008, Georgian government officials released “cell phone interceptions” that they claimed proved that the Russian offense had been launched before Georgian troops moved into Tskhinvali. Russian officials denied these allegations and on 25 September 2008 released “supposed captured Georgian ‘war plans’ that they claimed ‘proved’ that Georgia’s attack on South Ossetia was prepared in advance to annihilate ethnic Ossetians and re-establish government control.”¹⁰⁰

Some in the international community have called for sanctions against Russia by the West. These “sanctions” include no longer inviting Russia to participate in the Group of Eight (G-8) industrialized democracies, withdrawing support for Russia as the host of

⁹⁷ Human Rights Watch, “Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict over South Ossetia.” Human Rights Watch, January 2009, <<http://www.hrw.org/sites/default/files/reports/georgia0109web.pdf>> (03 March 2010), 4.

⁹⁸ Nichol, Jim. “Russi-Georgia Conflict in South Ossetia: Context and Implications for U.S. Interests.” In CRS Report for Congress. (Washington, D.C.: Congressional Research Service, 24 October 2008), 16-17.

⁹⁹ Ibid.

¹⁰⁰ Ibid., 22.

the 2014 Winter Olympic Games, and the reexamination of Russia's membership in the World Trade Organization (WTO).¹⁰¹

Though many suggestions and opinions have been propelled into the international community for discussion, there has been a substantial amount of real action from international organizations, NGOs, individuals, and states. The UN World Food Program started efforts in Georgia on 9 August 2008, and the UNHCR first aid shipments arrived on 12 August 2008. In addition to many efforts by the International Committee of the Red Cross (ICRC), and the UN Office for the Coordination of Humanitarian Affairs (OCHA), the International Monetary Fund (IMF) announced in September 2008 plans for an 18 month "stand-by assistance package of \$750 million for Georgia."¹⁰² On 22 October 2008, the EU and World Bank held a donors' conference to raise international funds for Georgia's rebuilding. The conference raised approximately \$4.5 billion pledged by thirty-eight countries and fifteen international organizations.¹⁰³

The conversations and actions coming from the international community concerning Georgia are commendable for many reasons. First, the incidents in Georgia have gained international attention and the international community is discussing the issue. Second, the \$4.5 billion in aid to Georgia during the EU and World Bank donors' conference was higher than the basic needs fund outlined in a Joint Needs Assessment report presented at the conference. Third, International Organizations and NGOs have played a substantial part throughout the various stages of the Georgian conflict. Their

¹⁰¹ Ibid., 19.

¹⁰² Ibid., 24.

¹⁰³ Ibid.

importance in the process has highlighted their growing importance and power within the international system. Finally, the sheer number of states not directly involved with the conflict that are presenting aid directly is impressive.

Though the above indicates a strong international effort concerned with the situation in Georgia, and many steps have been made in the right direction, neither the conflicts between Georgia, South Ossetia, Abkhazia and Russia nor the situations of the displaced persons have changed. Shifting the posture of the international community could help alleviate the impact on displaced persons and a shift in international posture could make needed headway toward resolution of the conflicts between the affected regions. Shifting posture is best accomplished by the international community taking the stance of the “via media” between the English School and Normative theory described in Chapter 4.

The Georgian Case and a Middle Ground: Sight and Illumination

It is not within the scope of this thesis to solve the Georgian/South Ossetian crisis. The point of this application of the middle ground outlined in the previous chapter is to create a better framework from IR theory to address the problem of the refugee. Below, there are not solutions to the refugee problem as a result of the conflict which has created them. Instead, it is the attempt of this thesis to reframe the approach of IR scholars and policy makers to the conflict-created refugees of South Ossetia and Abkhazia.

Chapter 4 outlined the via media between the English School and normative theory by highlighting four components of the solidarist approach and three components of cosmopolitanism which allow for a better way to frame the situation of the refugee and

which allow for the extension of a justice conversation from the empirical explanation provided by the English School. Below each of the components outlined in Chapter 4 which compose the middle ground between the English School and normative theory are applied to the conflict-refugee case of South Ossetia and Abkhazia.

The Refugee as a Part of the International Society and “Justice versus Order”

For solidarists, the international society is extended to the refugee and justice must extend to the individual. These are the first two contributions of solidarism to the *via media* discussed in Chapter 4. States are also actors in the international society and they have a sovereign right to secure their borders and pursue power. However, these rights of states are neither more urgent nor more important than rights allotted to the refugee as an individual. The implication of the *via media* in addressing the refugee problem between Georgia, South Ossetia, Abkhazia, and Russia is that the *conflicts* between these actors cannot be resolved without also considering and discussing the conflict refugee. The rights of Georgia, South Ossetia, Abkhazia, and Russia are not more important than the rights of the refugees created by the conflicts.

Perhaps the most important implication here is an interlinked conversation that should occur in the international community. The existence and rights of Abkhazia and South Ossetia cannot be separated from the rights allotted to the peoples of those areas. Currently Abkhazia and South Ossetia are not extending justice to the conflict-created refugee. Solidarism helps us to determine that these are not territories which are functioning as true states with legitimate purpose. To extend this logic, neither Georgia nor Russia is adequately functioning as a state for the conflict-created refugee.

Solidarism helps us to argue that the “representation” by any of these states is not legitimate as they are not adequately extending justice to the individual.

Solidarism Study, Humanitarian Intervention, and Scholarship on the Refugee

The solidarist focus of study within the English School concerns states rights and human rights. Solidarism also provides scholarship on humanitarian intervention. Nicholas Wheeler presents the idea that states which massively violate human rights forfeit their right to be treated as sovereigns. Wheeler explains a concern for humanitarian intervention by explaining that other states are morally entitled to use force to stop oppression.¹⁰⁴ The humanitarian intervention scholarship of the English School helps us to frame discussions on the legitimate use of force and this discussion can help to determine the legitimate use of force by Georgia, Russia, South Ossetia, and Abkhazia respectively.

Cosmopolitan Conception of Justice

Cosmopolitanism extends solidarism for the purposes of this middle ground by adding a concept of justice for the refugee. Justice from a cosmopolitan perspective is beneficial, not because solidarism does not consider questions of justice, but because cosmopolitanism considers justice in universal terms. The justice that must be extended to the refugee is not the justice determined by Georgia, Russia, South Ossetia, or

¹⁰⁴ Wheeler, Saving Strangers, 11-13.

Abkhazia. Instead, the justice that should be extended to the refugee, according to this middle ground is established by an international norm of belonging to a state.

Cosmopolitan Ideas of Obligation and Responsibility in the International Society

Concerning obligation and responsibility within the international society, cosmopolitans argue for an obligation to humanity over an obligation of state sovereignty. This cosmopolitan concept is similar to the solidarist concept that states rights should not supersede human rights. In addition to the questions of obligation and responsibility that cosmopolitans pose, cosmopolitans also believe that people derive their morality from humanity. Furthermore, morality, according to cosmopolitanism and this middle ground, morality is common to all of humanity. These concepts by normative theory extend the humanitarian intervention and legitimate use of force arguments outlined above in relation to solidarism. Believing that states have an obligation to humanity over an obligation to its own security is a vital point of perception in framing the discussion of the South Ossetian and Abkhazian refugee.

Conclusions and Implications

The problem of refugees represents a real and quantifiable difficulty for International Relations scholars. Mainstream IR does not have the capacity to address the problem of the refugee because of its inattention to justice in the international system and its concern with the state as a central and solitary actor. This thesis has argued that the approaches of the English School and normative theory have commonalities and ways of benefitting one another which culminate into a via media and is advantageous for framing the discussion of the refugee. While both the English School and normative theory have

limitations, the commonality of an “international society” and discussion of order versus justice makes the two compatible and helpful to the middle ground. The problem of the refugee highlights what the English School and normative theory can do better together.

The nature of conflict-displaced persons, as in the Georgian case, typically yields to discussion of the conflict only rather than the displaced persons or persons affected by the conflict. The first implication of the middle ground outlined above is a reordering of priorities. Certainly the conflicts between Abkhazia, South Ossetia, Georgia and Russia are of importance in international relations; however, there are better and worse ways to discuss the situation. If there is true concern over the refugees created by these conflicts, then the problem of the refugee must be brought to the table simultaneously. Conflict and the conflict-refugee are interlinked; the solutions must be interlinked and address both as well.

Normative theory and the English School are and have been valid approaches within the discipline of International Relations. The situation of refugees in the international society highlights their importance, especially as mainstream theories fail to locate, acknowledge, and address displaced persons. Normative theory has the ability to illuminate the justice that should be extended to the refugee. The English School provides the concept of an International Society defined by common rules, laws, and institutions, which allows us to see the refugee. The middle ground allows us to discuss the norms surrounding forced migration.

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